

**BARBERING AND COSMETOLOGY EXAMINING BOARD
MINUTES
AUGUST 2, 2004**

PRESENT: Leon Lauer, Laura Jenkins, Mary Blake, Lee Martinez, Jeannine Bush, Janice Boeck, Jeffrey Patterson

STAFF PRESENT: Jerry Lowrie, Bureau Director, John Schweitzer, Legal Counsel, Dennis Schuh, Legal Counsel, Pat Schenck, Program Assistant, Judy Mender, Credentialing, and Darwin Tichenor, Exam Specialist

GUESTS: Melissa Morris, CC of Madison Inc, Malia Ruhland, CC of Madison Inc. Carmen Severson, CC of Madison Inc. Michele McCall cc of Madison Inc., Miranda Von Straten, Student, Kourtnee Broullire, Student, Miranda Bartel, Student, Jill McMahon, Student, Nancy Paggan, Instructor – Gill Tech, Avita Regan, LE , Aviderm Skin Care and Audrey Sann NCAW.

CALL TO ORDER

Leon Lauer, Chair, called the meeting to order at 9:32 a.m. A quorum of six members was present.

Mr. Lauer, Chair welcomed the two new Board members Jeffrey Patterson and Jeannie Bush to their first Board meeting as members.

AGENDA

Addition to Agenda:

- Add Item to 10C Advanced Skin Care – Avita Regan LE
- Item 16 a. iii. 02 BAC 037, move to Item 16. c. viii.

MOTION: Lee Martinez moved, seconded by Jeannie Bush, to approve the agenda as written. Motion carried unanimously.

MINUTES OF JUNE 7, 2004

MOTION: Mary Blake moved, seconded by Lee Martinez, to approve the minutes of June 7, 2004 as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT - JERRY LOWRIE, BUREAU DIRECTOR
BOARD ROSTER**

Steven Gloe introduced Dennis Schuh as the new legal counsel for the Barbering and Cosmetology Board. Mr. Schuh introduced himself to the Board. Jeffrey Patterson and Jeannine Bush introduced themselves and gave a brief background on their experience and profession.

2004 MEETING DATES

The next scheduled Board meeting is October 4, 2004.

TO-DO-LIST

Noted

SUMMARY OF REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

Mr. Schweitzer updated the Board on the summary reports on pending court cases, disciplinary cases and administrative rules and discussed the open case list and procedures and indicated that a proposed decision will be available at the next Board meeting in the matter concerning Ann Geiger Maas. Mr. Schweitzer reviewed the Administrative Rules Report and showed the Board members how to look for the status of pending rules.

CONTINUING EDUCATION COMMITTEE APPOINT MEMBER(S) TO THE CONTINUING EDUCATION COMMITTEE

Mr. Lauer asked for a professional member to volunteer to serve on the Continuing Education Committee.

MOTION: Laura Jenkins moved, seconded by Janice Boeck, to nominate Jeannie Bush as a member of the Continuing Education Committee. Motion carried unanimously.

CURRICULUM ADVISORY COMMITTEE JULY 12, 2004

Mr. Lowrie updated the Board on the Curriculum Advisory Committee's meeting on July 12, 2004.

The Department mailed out a survey to all the schools regarding their curriculum and number of hours in each course of study. The Committee has not received enough surveys back to make a determination on changing to the current syllabus. The Committee noted that some of the schools are not following the syllabus as outlined in Chapter BC 5, Courses of Instructions.

The Committee discussed reworking the 1800 hour curriculum by looking at the number of hours in the core curriculum, and use the remainder of hours in an externship (field experience) and leave options open for specialty training, and possibly adding tapering haircuts as being mandatory while taking the practical examination.

Each Committee member will conduct on-site visits with a public and private school in their region to observe the schools curriculum and instruction. They will request suggestions regarding the current curriculum, check the schools syllabus, possibly speak with enrolled students, confirm the number of practical house on each subject, and clarify and discrepancies on the syllabus as outlined in Chapter BC 5.

**ADMINISTRATIVE RULES
CONTINUING EDUCATION RULE**

Mr. Lowrie reported on continuing education requirement rule and stated that this rule could create additional negative responses.

**MISCELLANEOUS RULE CHANGES
MICRODERMABRASION**

Mr. Lowrie reported on microdermabrasion, and the on-site managers rule changes and will forward the text of the proposed rule changes to the two new Board members.

**RECIPROCITY ISSUES
OTHER JURISDICTIONS**

Mr. Tichenor reported on the policy that the Department utilizes for candidates who do not qualify for reciprocity and but have received training from a school in another jurisdictions and whether this policy is acceptable in reviewing candidates from other jurisdictions.

Judy Mender reported on the process she currently uses for candidates who do not qualify for a license by reciprocity. The individual schools determine if the applicant has satisfied the minimum educational requirements. Schools do not have a definite standard to follow or policy to evaluate the student's credentials from another jurisdiction and the method they use is not defined by statute or rule.

The Board discussed creating a policy for schools to follow when evaluating students from other jurisdictions.

Janice Boeck will write a policy on reviewing applicants who have had training from other jurisdictions but do not qualify for a license by reciprocity to the Board to review at their next meeting. The Board could recommend to the Department that schools use a set of criteria be set for schools to use as a policy to evaluate a candidates training from another jurisdiction.

OPEN-BOOK EXAMINATION FOR RECIPROCITY CANDIDATES

Mr. Tichenor stated that he would like to see an open-book examination put in place for out of state candidates to learn Wisconsin Law.

**EXAMINATION AND EDUCATION
OUT-OF-STATE UNLICENSED CANDIDATES – DARWIN TICHENOR
POLICY FOR REVIEWING TRAINING AND LICENSES FROM ANOTHER STATE**

The Board discussed putting a policy in place for schools to use in reviewing training from candidates who received training in other jurisdictions and who do not qualify for licensure by reciprocity. Mr.

Tichenor would like to see a policy in writing on how schools evaluate training of an out of state candidate.

Having a standardized test for candidates to see if they are qualified or to have a list of approved schools that conduct evaluations to give to candidates to have their training evaluated were considered.

Judy Mender will write a letter to all the schools regarding their procedure in evaluating candidates previous training received in other jurisdictions.

MANICURIST – INCREASE TRAINING HOURS

The majority of complaints received in the Department against manicurist relate to unlicensed practice and sanitations issues. Currently, a manicurist can receive a license without having to write an examination on Wisconsin state law.

Raising the number of hours required for a manicurist license may not deter the number of complaints received. The Board will review the forfeiture grid at the next meeting.

PRACTICE ISSUES- LEGAL COUNSEL REVIEW VASCULAR 300 – ADDITIONAL INFORMATION

Mr. Schweitzer reported that the Vascular 300 does not penetrate the skin but just touches the skin so an electrologist license is not required in order to use the Vascular 300.

Guest, Avita Regan, Aviderm Skin Care Retreat reported on the Vascular 300 and confirmed that it does not penetrate the skin but only touches the skin. Ms. Regan trains people on use of the Vascular 300 and recommended that candidates receive additional training beyond school.

NECK DUSTERS QUESTION – PATTY HAISER

Mr. Schweitzer requested information on the brush used on a client's neck after a haircut from one client to another. The Board noted that if the brush is used from one client to another they must be cleaned as outlined in BC 4.02(3), disinfection shall consist of cleaning with soap and water to remove all organic material, or spraying with a tuberculocidal disinfectant as defined in s. BC 1.01, and air-drying.

ADVANCED SKIN CARE – AVITA REGAN, LE

Guest, Avita Regan, Aviderm Skin Care Retreat introduced herself to the Board and indicated that she trains people on the use of skin care accessories. Ms. Regan stated that she is teaching a 14 hour curriculum and requested that the Board review the curriculum. The 14-hour curriculum will be added to the next Continuing Education Committee meeting for review and discussion.

**NATIONAL-INTERSTATE COUNCIL OF STATE BOARDS OF COSMETOLOGY, INC.
HONORARY MEMBERSHIP NIC NOMINATIONS**

The Board did not make a nomination.

NEW BUSINESS

The Board discussed an advertisement (add) that was published by Noah's Ark in Wisconsin Dells about bad barbering and cosmetologists and whether the Board should request that Noah's Ark rescind the add? The Board agreed that individual Board members could call Noah's Ark if they wished.

Mr. Lauer, Chair requested nominations for a screening panel member.

MOTION: Laura Jenkins moved, seconded by Mary Blake, to nominate Jeffrey Patterson to the screening panel. Motion carried unanimously.

BOARD MEMBER ACTIVITY

Janice Boeck will be attending the 49th Annual Conference of the NIC, Richmond VA. on August 28, 30, 2004 and will give a report to the Board at the October 4, 2004 meeting.

**PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT OR
ANY THAT MAY BE SUBMITTED AFTER PRINTING OF THE AGENDA.**

VISITORS COMMENTS

None.

CLOSED SESSION

MOTION: Laura Jenkins moved, seconded by Lee Martiniz , to convene to Closed Session to deliberate on cases involving hearings (s. 19.85 (11) (a), Stats.); to consider licensure or discipline (s. 19.85(1) (b), Stats. to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.); and to confer with legal counsel (s. 19.85(1) (g), Stats.). Motion carried by roll call vote: Leon Lauer-yes, Jeannie Bush-yes, Janice Boeck-yes, Laura Jenkins-yes, and Mary Blake-yes; Lee Martinez-yes; Jeffrey Patterson-yes.

Open session recessed at 11:00 a.m.

The Board deliberated on monitoring reports, proposed stipulations, administrative warnings, case closings, examination issues, request for appeal of denials, application review, and reinstatement requests and case status reports.

RECONVENE INTO OPEN SESSION

MOTION: Laura Jenkins moved, seconded by Mary Blake, to reconvene into open session at 11:20 a.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MONITORING REPORT

None.

CASE CLOSINGS

MOTION: Laura Jenkins moved, seconded by Lee Martinez, to close the following cases:
04 BAC 028 for administrative closure, duplicate complaint.
04 BAC 098 for prosecutorial discretion (P3).
Motion carried unanimously.

STIPULATIONS

MOTION: Laura Jenkins moved, seconded by Janice Boeck, to accept all the Stipulations and as written in the matter concerning the Board. Motion carried unanimously.

CLASSY NAILS & THIET T. TRAN 02 BAC 120, 03 BAC 029

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Classy Nails & Thiet T. Trans 02 BAC 120, 03 BAC 029**. Motion carried unanimously.

SUZANNE M. FEIGE d/b/a BAY VIEW BEAUTY SHOP 03 BAC 086

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Suzanne M. Feige d/b/a Bay View Beauty Shop 03 BAC 086**. Motion carried unanimously.

JOANN DRIVER 03 BAC 112

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **JoAnn Driver 03 BAC 097**. Motion carried unanimously.

RICHARD NGO 02 BAC 112

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Richard Ngo 02 BAC 112**. Motion carried unanimously.

CORNELL STALLWORTH 02 BAC 050

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Cornell Stallworth 02 BAC 050**. Motion carried unanimously.

LEE NAILS, PRO NAILS, LA NAILS, CAPITOL NAIL SALON AND MAGICAL NAILS, 01 BAC 101, 02 BAC 101, 02 BAC 102, 02 BAC 103, 02 BAC 104

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Lee Nails, Pro Nails, LA Nails, Capitol Nail Salon and Magical Nails, 01 BAC 101, 02 BAC 101, 02 BAC 102, 02 BAC 103, 02 BAC 104**. Motion carried unanimously.

SUSAN K. PAULSON d/b/a RAVIN MANES CO. 02 BAC 037

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Susan K. Paulson d/b/a Ravin Manes & Co 02 BAC 037**. Motion carried unanimously.

**EXAMINATION ISSUES
APPLICATIONS
REINSTATEMENT REQUESTS**

None.

NEW BUSINESS

None.

OTHER ITEMS AS DEFINED BY LAW

None.

ADJOURNMENT

MOTION: Laura Jenkins moved, seconded by Mary Blake to adjourn the meeting at 11:30 a.m. Motion carried unanimously.

NEXT MEETING: October 4, 2004

Suggested Agenda Items for October 4, 2004

- Report from Janice Boeck – 78th Annual Conference of the Nat'l Ass of Barber Boards.
- Change the definition of electrologists
- Forfeiture grid
- Contract for Continental Testing – Barbara Showers